



012004

13281 U.S. PTO

Patent

Attorney's Docket No. 032469-007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

## MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Customer No. **2 1 8 3 9**

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/125,963 filed on November 24, 1998, for OSTEOGENIC DEVICE AND A METHOD FOR PREPARING THE DEVICE, by the following named inventor(s):

- (a) Full Name Sam T. Lindholm
- (b) Full Name Aulis Marttinen
- (c) Full Name \_\_\_\_\_

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

The PTO did not receive the following listed item(s) Specification, claim  
Abstract

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- [X] Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.
- [X] Applicant(s) requests that the published application include the following assignment information: Bioactive Bone Substitutes OY, AB, Minna Canthinkatu 3 B 2, FIN-33230 Tampere, FINLAND.
1. [X] Enclosed is a copy of the prior Application No. 09/125,963 as originally filed on November 14, 1998, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
  2. [ ] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
  3. [X] Small entity status is hereby claimed.
  4. [X] The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims	2	MINUS 20 =	0	× \$18.00 (1202) =	0.00
Independent Claims	1	MINUS 3 =	0	× \$86.00 (1201) =	0.00
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					770.00
If small entity status is claimed, subtract 50% of Total Application Fee					385.00
Add Assignment Recording Fee of \$ <u>\$40.00 (8021)</u> if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>385.00</b>

5. [ ] This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. [ ] Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
7. [X] A check in the amount of \$ 385.00 is enclosed for the fee due.
8. [X] The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

9. ☒ Cancel in this application original claims 1-15 of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☒ Priority of Application No. PCT/FI96/00118 filed on February 29, 1996 in WIPO (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed.
- ☒ was transmitted by the International Bureau in prior Application No. 09/125,963, filed on November 24, 1998.
- ☐ has not yet been filed.
12. ☒ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed Copies of executed Small Entity Declaration; Declaration/Power of Attorney; Notice of Recordation of Assignment Document; International Search Report; Form PCT/IB/301; Form PCT/RO/101; Form PCT/IPEA/401; Form PCT/IPEA/409; and Form PCT/IB/306 from parent application, U.S. Patent Application No. 09/125,963.
16. ☒ The power of attorney in the prior application is to Burns Doane Swecker & Mathis LLP.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney Deborah H. Yellin, Reg. No. 45,904.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
Customer Number: **21839**  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: January 20, 2004

By: Deborah H. Yellin  
Reg. No. 45,904 for  
Teresa Stanek Rea  
Registration No. 30,427

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
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☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)